



**TOWN OF LOS GATOS**  
**PLANNING COMMISSION MEETING**  
**ACTION MINUTES**  
**TOWN COUNCIL CHAMBERS**  
**110 E. MAIN STREET**  
**WEDNESDAY, APRIL 11, 2007 -- 7:00 P.M.**

Please refer to compact disk #04-11-07 to hear the entire proceedings of this meeting.

**ROLL CALL:**

Present: Joanne Talesfore, Chair; D. Michael Kane, Vice Chair; John Bourgeois, Phil Micciche, Thomas O'Donnell and Marico Sayoc

Absent: Stephen M. Rice

Others: Assistant Community Development Director Randy Tsuda, Associate Planner Sandy Baily, Assistant Planner Elizabeth Pettis, Town Engineer Kevin Rohani and Associate Civil Engineer Fletcher Parsons

**PLEDGE OF ALLEGIANCE** - Commissioner Kane.

**APPROVAL OF MINUTES**

**March 28, 2007** - Motion by Commissioner O'Donnell and seconded by Commissioner Kane to approve meeting minutes. Motion passed 5-0-1 with Commissioner Micciche recused and Commissioner Rice excused.

PUBLIC TESTIMONY by Ray Davis - Commented on Planning Commission meeting minutes of March 28, 2007 and a motion he heard by the Commission on March 14, 2007 to discuss the process of the DRC in an open meeting. (Chair Talesfore clarified she listened to the tape of the March 14, 2007 meeting and the discussion of the DRC procedures for hearing on a future agenda was by consensus vote only.) Chair Talesfore confirmed this discussion regarding the DRC will be on a future agenda as noted in the meeting minutes of March 14, 2007 under Commission Matters.

**SUB-COMMITTEE REPORTS**

**Historic Preservation Committee** - Commissioner Micciche commented on the March 21, 2007 meeting which included several items one of which was the proposed project at 115 N. Santa Cruz Ave (formerly the Chart House) with two new buildings consistent with the downtown district and a residential structure on the current parking lot site between Victory Lane and Wilder Avenue.

## **VERBAL COMMUNICATION**

Ray Davis      Commented on Commissioner Micciche's absence from Commission meetings and his action on DeSantis project, as well as Commissioner Kane's support of the proposed project at the site of the former Three Flames Restaurant.

## **CONSENT CALENDAR - NONE**

## **CONTINUED PUBLIC HEARING**

ITEM 1      **Reservoir Road (Lot 2)**  
Architecture and Site Application S-07-4

Requesting approval to construct a new residence on property zoned R-1:20. APN 529-31-041.

PROPERTY OWNER: Sienna Oaks LLC

APPLICANT: Lynn O' Brien

*(Continued from February 28, 2007)*

PUBLIC TESTIMONY: None

**MOTION:** Motion by Commissioner Kane and seconded by Commissioner Bourgeois to grant the continuance to April 25, 2007.

Motion carried 6-0 with Commissioner Rice excused.

ITEM 2      **15350 Suview Drive**  
Architecture and Site Application S-06-066

Requesting approval to modify an approved Architecture & Site application relating to grading and landscape improvements on property zoned HR-2 ½. APN 537-24-013

PROPERTY OWNER/APPLICANT: Charles Hackett

*(Continued from March 28, 2007)*

PUBLIC TESTIMONY by Charles Hackett, Robert Steuer, Charles Kilian, Lee Quintana, Alex Gorovitz, Bob Olson and Ian Felix.

**MOTION:** Motion by Commissioner O'Donnell and seconded by Commissioner Bourgeois to approve Architecture and Site Application S-06-066. The required findings were made as noted in Exhibit B of report dated March 22, 2007 and the application incorporated conditions as noted

in Exhibit C of report dated March 22, 2007 with the following considerations as outlined in a letter from Charles T. Kilian dated March 15, 2007 to form their motion as follows:

*Item #1* - Solid Fence Along Entry Way - **moved for approval** to save portion of the wall that blocks headlights and remove other portions.

*Item #2* - Expansion of Driveway Turnaround (not yet installed/resolved at staff level) - **moved for approval.**

*Item #3* - Extension of Three Terraced Retaining Walls along the East Side of Pool (1 - 4 ½ feet, 2 - 3 ½ feet) in place of Two Larger Retaining Walls - **moved for denial.**

*Item #4* - Realignment and extension of Approved Wall with Planter along East property line (1 - 4 ½ feet, 2 - 3 ½ feet) - **moved for denial.**

*Item #5* - Substitution of Two Short Staggered Stairways for an Approved Long Stairway and Ramp - **moved for denial.**

*Item #9* - Mechanical Equipment Pad and Enclosure (Resolved at staff level) - **moved for approval.**

*Item #10* - Wall Extending beyond Approved 96 feet - **moved for denial.**

*Item #6, 7, 8* - Exception for Location of Vine Arbor in Rear Yard Setback, Addition of Stairs to the Arbor and Relocation of Two Approved Retaining Walls near the Arbor - **moved to remand to staff.** Staff and applicant shall review the arbor and identify alternatives to reduce the size of the structure and/or soften its appearance while providing privacy to the home. The alternative design shall be returned to the Planning Commission for final approval.

**MOTION:** Motion carried 6-0 with Commissioner Rice excused.

*Appeal rights recited by Mr. Tsuda*

ITEM 3      **117 Isabelle Court**  
Architecture and Site Application S-06-48

Requesting approval to construct a single family residence and an accessory structure over 450 square feet with reduced setbacks on property zoned R-1:10. APN 532-13-068

PROPERTY OWNER: JSW Financial

APPLICANT: Nielsen Architects, Inc.

*(Continued from March 14, 2007)*

PUBLIC TESTIMONY by Stanley Nielsen, Ray Davis, Andy Lovit, Sharlene Abrams and Steve McDonald.

**MOTION:** Motion by Commissioner Bourgeois and seconded by Commissioner Micciche to continue discussion to May 23, 2007.

Motion carried 6-0 with Commissioner Rice excused.

Motion by Chair Talesfore and seconded by Commissioner Kane to continue meeting after 11:30pm. Motion passed 5-0 with Commissioner Micciche out of the room and Commissioner Rice excused.

### **NEW PUBLIC HEARINGS**

ITEM 4      **42 Elm Street**  
Conditional Use Permit U-07-24

Requesting approval to modify an existing CUP (Café Rouge) to allow a coffee and yogurt business (Café Delatti) on property zoned C-2. APN 529-03-035  
PROPERTY OWNER: Mike Cobler  
APPLICANT: Suh Chung Kim

PUBLIC TESTIMONY by Jimmy Chang and Jamie Kim.

**MOTION:** Motion by Commissioner O'Donnell and seconded by Commissioner Micciche to approve CUP U-07-24. However, after further discussion of the saturation issue in the downtown area, Commissioners O'Donnell and Micciche withdrew their motion and second. Motion by Commissioner Sayoc and seconded by Commissioner Micciche to deny CUP U-07-024.

Motion for denial carried 4-2 with Commissioners Bourgeois and Kane dissenting and Commissioner Rice excused.

*Appeal rights recited by Mr. Tsuda*

ITEM 5      **21 N. Santa Cruz Avenue**  
Conditional Use Permit U-07-22

Requesting approval to modify an existing conditional use permit to allow full alcohol service (Andale) on property zoned C-2 LHP. APN 510-44-036.  
PROPERTY OWNER/APPLICANT: Andale Properties

PUBLIC TESTIMONY: None

**MOTION:** Motion by Chair Talesfore and seconded by Commissioner O'Donnell to continue this item without discussion due to the lateness of the meeting. Item continued to April 25, 2007.

Motion carried 6-0.

**CONTINUED OTHER BUSINESS - NONE**

**NEW OTHER BUSINESS**

*(This item was heard before Continued Public Hearings at the beginning of the agenda.)*

ITEM 6      Consider Five-Year Capital Improvement Program for Fiscal Years July 1, 2007 to June 30, 2012

Town Engineer Kevin Rohani presented the Capital Improvement Program (CIP) by highlighting the various public works projects proposed for construction during the next five years which will be presented to the Planning Commission for review at a future date.

PUBLIC TESTIMONY by Ray Davis.

**MOTION:** Motion by Commissioner O'Donnell and seconded by Commissioner Micciche to find the CIP consistent with the General Plan, Hillside Specific Plan and Central Los Gatos Redevelopment Plan. The Commission encourages the Council to review strategies to support bikeways, trails and alternative transportation.

Motion carried 6-0 with Commissioner Rice excused.

**MOTION:** Motion by Commissioner O'Donnell and seconded by Commissioner Kane to recommend approval of the CIP.

Motion carried 6-0 with Commissioner Rice excused.

Report from Director of Community Development - None

Commission Matters - None

**ADJOURNMENT**

Chair Talesfore adjourned the meeting at approximately 12:00 Midnight

TOWN OF LOS GATOS PLANNING COMMISSION  
April 11, 2007

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Joanne Talesfore, Chair

APPROVED AS TO FORM AND ATTEST:

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Randy Tsuda  
Assistant Director of Community  
Development

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Bud N. Lortz  
Director of Community Development